

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.: 10/765,822
Filing Date: January 27, 2004
Applicant: Paul E. Krajewski et al.
Group Art Unit: 1745
Examiner: John S. Maples
Title: EXTRUDED BIPOLAR PLATES
Attorney Docket: GP-303999

Mail Stop Appeal Brief - Patents
Commissioner of Patents
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APPELLANT'S REPLY BRIEF

This is Appellant's Reply Brief in response to the Examiner's Answer mailed March 9, 2007.

In response to the Examiner's position that the Summary of Claimed Subject Matter section in the Brief is deficient, Applicant offers the following. Concerning independent claims 1 and 22, paragraph [0022], line 2 of the specification states that the fuel cell 70 includes extruded bipolar plates, and concerning independent claim 11, paragraph [0021], line 1 of the specification states that the bipolar plates 52 and 54 are extruded bipolar plates.

Page 5 of the Examiner's Answer states, "Appellant further states that claims 1 and 11 recite that the bipolar plates are extruded plates, which defines them as structural elements and not a process. The Examiner agrees with this analysis." Appellant submits that the Examiner agrees with Appellant's basis for this Appeal that

the claimed bipolar plates are extruded bipolar plates and are structural elements. The first two paragraphs on page 7 of the Examiner's Answer state that the Examiner acknowledges that the references Nashida and Goebel do not teach extruded bipolar plates. Thus, Appellant submits that the claimed structural elements of extruded bipolar plates cannot be anticipated by Nashida and Goebel.

The Examiner has argued on pages 7 and 8 of the Examiner's Answer that Nashida and Goebel teach recesses formed in the edges of the bipolar plates. Particularly, the Examiner states that the Nashida bipolar plate 21 has peaks and valleys, and thus forms a recess in the edge of the plate 21 in which the end plate 37 is placed. It is clear from Appellant's specification and discussions during the prosecution that the recess is formed in the plate itself and not by the shape of the plate. Figure 1 in Nashida shows the end plate 37 between the bipolar plates, and not positioned within a recess in an end of a bipolar plate. Concerning figure 5 of Goebel, Applicant submits that a flow channel at the end of the bipolar plate 260 is not a recess as claimed.

It is respectfully requested that the Examiner's rejections be reversed.

Respectfully submitted,

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Dated: 5/4/07

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